

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR172 MAC/DDB
	§	
ERIK VALDEZ-SOTO	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 2, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Chris Eason.

On January 22, 2014, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of eight months imprisonment followed by a one-year term of supervised release for the offense of Reentry of Deported Alien. Defendant began his term of supervision on February 15, 2014.

On January 27, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 34). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Immediately upon release of confinement, Defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.* The Court recommends that Defendant be deported. If ordered Deported, Defendant shall remain outside of

the United States. In the event Defendant is not deported, or for any reason re-enters the country after having been deported, Defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of their release by immigration officials or re-entry into the country.

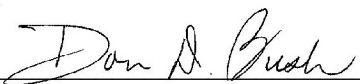
The Petition alleges that Defendant committed the following violations: (1) On or about December 15, 2014, in Webb County, in the Southern District of Texas, Mr. Valdez-Soto was arrested by a U.S. Border Patrol Agent and charged with illegally re-entering the United States, in violation of U.S.C. 1326, after having been previously deported from the United States on February 21, 2014. On January 13, 2015, Defendant entered a plea of guilty in Case No. 5:15-po-00350 and was sentenced to 180 days confinement.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

#### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the April 2, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no supervised release to follow, to run consecutively to any other sentence being served. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Seagoville, if appropriate.

**SIGNED this 14th day of April, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE